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the cause of peace can be rendered than by the publication from time to time of books such as this one, which shows accurately and completely what has been already accomplished in that direction.

JEREMIAH W. JENKS.

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*An Essay on Judicial Power and Unconstitutional Legislation.* By BRINTON COXE. Pp. xvi, 415. Price \$3.00. Philadelphia: Kay & Brother, 1893.

This volume does not quite agree in its contents with the title given it. Mr. Coxe died, leaving his work unfinished, but this introductory historical part, fortunately complete in itself, had already received his final revision, and is now published under the title of the projected completer undertaking. Mr. Coxe had proposed to show "that the Constitution of the United States contains express texts providing for judicial competency to decide questioned legislation to be constitutional or unconstitutional, and to hold it valid or void accordingly." The author's contention that judicial authority to determine the constitutionality of legislation is provided for "in *express* terms," instead of being "based upon implication and inference," may or may not be sound; but the question need not be discussed here, since it is one which he did not reach in the volume before us. While the essay shows on almost every page abundant evidence of much thought and extensive investigation, one is yet bound to point out that judicious rewriting and rearrangement might have reduced the essay proper to one-fourth its present length, through the relegation to foot-notes and appendices of a large amount of illustrative and remote material, with the result of thereby obtaining a far more logical and consistent presentation of the subject. A large portion of the German, Roman, Canon and even English law referred to, and dwelt upon at considerable length, seems far fetched; certainly many of the cases cited bear little resemblance to unconstitutional legislation in the American sense of the expression. Often such legislation was unconstitutional in a sense similar to the modern English use of the term, but not the American. The latter part of the volume is more satisfactory. Considerable use is made of the Rhode Island case of *Trevett vs. Weeden*, the first American case, according to Judge Cooley, in which a law "was declared unconstitutional and void." If, however, Mr. Coxe's repeated assertion is true, that Rhode Island was at that time living under an unwritten constitution—an assertion to which exception may be taken—then the law in question was unconstitutional, if unconstitutional at all, in the English sense only. On an early page Mr.

Coxe lays great stress on the Dred Scott case as deciding certain congressional legislation unconstitutional. To be sure, a majority of the court did say that the Missouri Compromise was repugnant to the Constitution and void, but this was pure *obiter dictum*, as was clearly shown at the time by the present Mr. Justice Gray and Ex-Judge John Lowell.

The foregoing are some of the unfavorable estimates which the reviewer feels compelled to make. The book is, nevertheless, suggestive and instructive, but needs in many places to be read with caution.

CHARLES F. A. CURRIER.

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*The Union Pacific Railway. A Study in Railway Politics, History and Economics.* By JOHN P. DAVIS, A. M. Pp. 247. Price \$2.00. Chicago: S. C. Griggs & Co., 1894.

*National Consolidation of the Railways of the United States.* By GEORGE H. LEWIS, M. A. Pp. 326. Price \$1.50. New York: Dodd, Mead & Co., 1893.

The history of the Union and Central Pacific Railroads began sixty years ago, and presents one of the most complicated and instructive problems of American industrial history. Mr. Davis has treated this problem fully and well, and has succeeded in showing how this industrial undertaking has influenced the political and legal development of the United States. The book is withal a most opportune one. The maturity of the companies' first mortgage bonds and the United States Government's subsidy bonds, during the four years from 1895 to 1899, makes the relationship of the government to the Pacific roads a very live question. By what reorganization or refunding scheme the future prosperity of the roads may be secured, and the United States guaranteed against the loss of the \$125,000,000 which the roads will owe her by the year 1899 is a matter to which Congress and the companies involved are giving their earnest attention. The problem was further complicated when the Union Pacific was forced into the hands of receivers, on October 13, 1893. Mr. Davis' book appeared just after this event, late enough, however, for the insertion of a note concerning the receivership.

The eight chapters of the book discuss the "Genesis of the Pacific Railway;" the work of "Asa Whitney" during the decade from 1840 to 1850; the "Sectionalism and Localism" which prevented the construction of the road before the War of the Rebellion; "The Charter" of 1862 and 1864; the ceremonies that took place when the roads were "Done;" a full account of the organization and operations of the